

### **REMARKS**

Applicants request reconsideration of the application in view of the amendments to the claims and the following remarks.

Claims 1-8 and 14 are currently pending in this application and are subject to examination. Claims 1 and 14 are amended. Support for the language introduced into the claims is found in paragraphs [0031] and [0034], and in Figure 2.

#### ***Claim Rejections - 35 U.S.C. § 102(b)***

Claims 1-8 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,804,113 (Blackwell). Applicants respectfully traverse the Examiner's rejection of claims 1 and 14 as amended.

Claim 1 recites a process for producing a thermoformable polyurethane foam-containing sound insulative laminate, comprising, in part, "preparing a foam-forming composition," "forming the polyurethane foam from the foam-forming composition" under vacuum conditions to create a lower density foam, and "adhering a layer of the polyurethane foam to a barrier layer with an adhesive layer to form the sound insulative laminate." In addition, claim 1 specifies that the barrier layer or reinforcement layer comprises filled asphalt, filled EVA, filled EPDM, filled rubber, filled PVC, bitumen, or a combination of any of these materials. As amended, claim 1 also includes the steps of "shaping the sound insulative laminate into a configuration adapted to fit in a motor vehicle instrument panel", and "forming one or more openings through the sound insulative laminate".

Claim 14 recites a sound insulator for an instrument panel, comprising, in part, "a flame retardant, thermoformable, flexible, open celled polyurethane foam" where such foam is in the form of sheet or slab and "a reinforcement, backing or decorative covering" is adhered to at least one surface of the foam with "an adhesive." In addition, claim 14 specifies that the barrier layer or reinforcement layer comprises filled asphalt, filled EVA, filled EPDM, filled rubber, filled PVC, bitumen, or a combination of any of these materials. Moreover, as amended, in claim 14 the sound insulator for an instrument panel defines one or more openings therethrough. Such openings are shown particularly

in FIG. 2. These openings permit passage of one or more cables or wires to the instruments of a motor vehicle instrument panel.

Blackwell does not disclose each and every limitation of claims 1 and 14. Blackwell does not disclose preparation of any sound insulative laminates, and does not disclose an adhesive layer to adhere a polyurethane foam to a barrier layer or reinforcement layer. Furthermore, Blackwell does not teach the specific barrier layer materials (filled asphalt, filled EVA, filled EPDM, filled rubber, filled PVC, bitumen, or a combination of any of these materials). Instead, Blackwell teaches generally that slabstock polyurethane can be made continuously in equipment that controls the foaming pressure range. (See Blackwell, Column 1, lines 9 through 67, and Column 2, lines 1-67, and Column 3, lines 1-53).

Blackwell permits the foam-forming mix to spill onto a bottom paper or film **10** so that it may be conveyed away from the mix head. This bottom paper or film **10** is conventional in slabstock foam equipment. It is not a “barrier layer” or “covering” within the scope of applicants’ claims. Blackwell’s bottom paper or film prevents the foam from sticking to the conveyor. This paper or film is removed from the foam bun when the foam is further processed for end use, and is not “adhered” or “bonded” to the foam with an adhesive layer so as to remain connected to the foam. The paper or film used in Blackwell is required to be easily separable from the foam and does not remain connected to the polyurethane foam. Therefore, the barrier layer of claim 1 is not taught or suggested in Blackwell.

As amended, claim 1 further distinguishes from Blackwell in requiring the steps of “shaping the sound insulative laminate into a configuration adapted to fit in a motor vehicle instrument panel”, and “forming one or more openings through the sound insulative laminate.” Even accepting the Examiner’s proposed interpretation of claim 1, Blackwell does not teach further shaping a foam laminate, or forming holes or openings through such laminate to make the laminate suitable for use as a sound insulator for a motor vehicle instrument panel.

As amended, claim 14 further distinguishes from Blackwell in requiring a sound insulator for an instrument panel that defines one or more openings therethrough. Blackwell does not concern foam laminate structures for use as sound insulators for

motor vehicle instrument panels. Blackwell does not teach shaping a foam laminate or forming holes or openings through such laminate to make the laminate suitable for use as a sound insulator for a motor vehicle instrument panel.

Claims 1-8 and 14 distinguish from Blackwell. Accordingly, Applicants respectfully request that the rejection of pending claims 1-8, and 14 under 35 U.S.C. § 102(b) in light of Blackwell be withdrawn.

***Claim Rejections - 35 U.S.C. § 103(a)***

Claims 1-8 and 14 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,372,812 (Niederost). Applicants respectfully traverse the Examiner's rejection of Claims 1 and 14 as amended.

Niederost does not suggest nor teach all the claim limitations. Niederost does not disclose a "barrier layer" adhered with an "adhesive layer" to a polyurethane foam to form sound insulative laminates as required in Applicants' claims. Rather, Niederost discloses low density polyurethane foams used for making furniture and seat cushions and mattress components. Similar to the distinction made with respect to Blackwell above, Niederost causes the foam-forming mixture to spill onto a moving conveyor. The foam that rises as it is conveyed on the conveyor is not adhered to the conveyor to form a sound insulative laminate. The conveyor 28 forms a continuous loop that returns to receive new foam material. (See Niederost, Column 2, lines 54 through Column 3, lines 41). Niederost does not include an adhesive layer to adhere a barrier layer to a foam layer. Thus, Applicants' claims are patently distinguishable from Niederost for this reason, without even mentioning the different density ranges already noted by the Examiner.

Niederost's conveyor belt is not the same as the barrier layer of claim 1. Niederost discloses that the conveyor belt supports the polyurethane foam during its formation, but then the formed foam separates from the conveyor. In contrast, the barrier layer in claims 1 and 14 remains adhered to the polyurethane foam and forms a new product, a sound insulative laminate. The barrier layer in claims 1 and 14 does not function as a conveyor belt to convey material. Furthermore, the sound insulative laminate requires two other components in addition to the foam, a barrier layer and an

adhesive, which makes such claimed laminate very different from the polyurethane foam disclosed in Niederoest.

Claim 1 was further amended to require the steps of “shaping the sound insulative laminate into a configuration adapted to fit in a motor vehicle instrument panel”, and “forming one or more openings through the sound insulative laminate”. Niederoest does not form a laminate, and certainly does not shape a laminate into a configuration that could be installed into a motor vehicle instrument panel. Nor does Niederoest form one or more openings through a sound insulative laminate. Niederoest certainly does not cut openings through the conveyor belt or liner paper onto which the foam is formed in the variable pressure foaming machine. Even with the Examiner’s proposed construction of claim 1, such added limitations further distinguish claim 1 over Niederoest.

Similarly, claim 14 was further amended to require that the sound insulative laminate for an instrument panel define one or more openings therethrough. Even with the Examiner’s proposed construction of claim 14, this added limitation further distinguishes claim 14 from Niederoest.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness in view of Niederoest. Accordingly, Applicants respectfully request that the rejection of pending claims 1-8 and 14 under 35 U.S.C. § 103(a) in light of Niederoest be withdrawn.

### Conclusion

In view of the foregoing, the rejections should be withdrawn and all pending claims should be allowed.

No fee is believed due for this response. If there are any fees due in connection with the filing of this response, such as a fee for an extension of time, such extension is requested and the fee should be charged to Deposit Account No. 03-2775.

Respectfully Submitted,

Connolly Bove Lodge & Hutz LLP

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A handwritten signature in cursive script, reading "Patricia Smink Rogowski", is written over a horizontal line.

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